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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/732,066	12/07/2000	Craig Skinner	24530.01200	9725

49637 7590 11/02/2005

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EXAMINER

TRAN, ELLEN C

ART UNIT PAPER NUMBER

2134

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/732,066	Applicant(s) SKINNER ET AL.	
	Examiner Ellen C. Tran	Art Unit 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communication: filed on 24 August 2005 with an original application filed 7 December 2000.
2. Claims 1-24 are currently pending in this application. Claims 1, 11, and 15 are independent claims. Claims 1, 11, and 15, have been amended.

Response to Arguments

3. Applicant's arguments filed 24 August 2004 have been fully considered but they are not persuasive.

In response to applicants argument beginning on page 8, "In this description, no mention of the framework for network activation is described ... the Examiner has not made reference to or addressed in any way Applicants' "driver" and "plug-in device" components". The Office disagrees with arguments, according to applicants' specification pages 5-10 the terms "plug-in device" and "driver" are defined as the following: The driver device generally controls network activation and registration procedures for the computer and is made up of hardware and software. The "plug-in device" is the software (API), which can be tailored to a specific service provider. The Office argues that these are shown within the reference,

for the "driver" see col. 5, line 65 through col. 6, line 14 "The portable computing device (PCD) 110 may have a wireless communication device, e.g. a wireless Ethernet card, for communicating with a wireless access point 120. The portable computing device 110 may be any of various types of devices, including ... The PCD may include various wireless or wired communication devices, such as a wireless Ethernet card, paging logic, RF communication logic,

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wired Ethernet card, a modem, a DSL device, and ISDN device, an ATM device, a parallel or serial port bus interface, or other typed of communication device”.

The “plug-in device” is part of the information stored in the memory-module that includes ID information, software, access procedures, see col. 9, lines 12-15 “The memory medium in one or more of the above systems thus may store a software program or data for performing or enabling roaming or selective network resource access within a network system” as well as col. 6, lines 15-18 “The PCD 110 preferable includes a memory medium which stores identification information indicating a network provider to which the user has subscribed”.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language

5. **Claims 1-24** are rejected under 35 U.S.C. 102(e) as being anticipated by Stewart et al. U.S. Patent No. 6,732,176 (hereinafter ‘176).

As to independent claim 1, “A method in a computer of handling network activation, the method comprising:” is taught in ‘176 col. 7, lines 46-59;

“receiving a at a plug-in device a command from a driver to initiate network activation procedures with a selected carrier” is shown in ‘176 col. 8, lines 35-67;

“wherein said driver is generic to various carriers” is disclosed in ‘176 col. 5, line 65 through col. 6, line 4;

“and said plug-in device includes components that are tailored to said selected carrier” is taught in ‘176 col. 6, lines 15-28;

“determining at the plug-in device a network activation status of the computer; sending, by the plug-in device, a request to a device having network carrier activation information; receiving, at the plug-in device, the network carrier activation information from the device” is shown in ‘176 col. 2, lines 21-59;

“and configuring the computer with the network carrier activation information in order to establish network activation with the carrier” is shown in ‘176 col. 10, lines 16-24.

As to dependent claim 2, **“wherein the received command includes a launch code to initiate a particular network carrier activation procedure”** is disclosed in ‘176 col. 8, lines 44-67.

As to dependent claim 3, **“wherein the device having network carrier activation information is a single in-line memory module (SIMM) card configured to be compatible with the carrier”** is taught in ‘176 col. 6, lines 45-67.

As to dependent claim 4, **“wherein the step of determining a network carrier activation status comprises determining if the computer has a current single in-line memory module (SIMM) card that is compatible with the carrier”** is shown in ‘176 col. 7, lines 24-54 and col. 8, lines 50-58.

As to dependent claim 5, **“wherein the step of determining a network carrier activation status further comprises: determining if the computer was previously network**

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activated with a previous single in-line memory module (SIMM) card; and determining if the previous SIMM card is the current SIMM card” is disclosed in ‘176 col. 10, lines 37-52 and col. 11, lines 54-65.

As to dependent claim 6, “wherein the step of determining a network carrier activation status comprises: receiving an activation security key from a user of the computer; and determining if the activation security key is valid for the carrier” is taught in ‘176 col. 11, lines 54-65.

As to dependent claim 7, “wherein the device having the network carrier activation information” is shown in col. 8, lines 35-43;

“is a server of the carrier ” is disclosed in col. 8, lines 9-14.

As to dependent claim 8, “wherein the step: sending and receiving are carried out in a protocol specific to the carrier” is taught in col. 7, lines 24-34.

As to dependent claim 9, “wherein the network carrier activation information that is received includes an access number that allows the computer to access network services of the carrier” is shown in col. 2, lines 31-41.

As to dependent claim 10, “wherein the step of configuring the computer comprises” is disclosed in ‘176 col. 11, line 66 through col. 12, line 10

“storing an access number that allows the computer to access network services of the carrier” is shown in ‘176 col. 12, lines 64-67.

As to independent claim 11, “A plug-in device configured to be operable in a generic activation framework” is taught in ‘176 col. 6, line 45-59;

“the plug-in device comprising: an application program interface (API) tailored to a particular carrier, wherein the API is configured to receive a network carrier activation command from a generic driver device in a computer that is generic to various carriers” is shown in ‘176 col. 8, lines 35-67.

As to dependent claim 12, this claim is substantially similar to claim 2 above and is rejected along the same rationale.

As to dependent claim 13, this claim is substantially similar to claim 6 above and is rejected along the same rationale.

As to dependent claim 14, this claim is substantially similar to claim 4 above and is rejected along the same rationale.

As to independent claim 15, this claim is directed to the computer-readable medium of the method of claim 1 and is rejected along the same rationale.

As to dependent claims 16-24, these claims are substantially similar to claims 2-10 above and are rejected along the same rationale.

Conclusion


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ellen C Tran whose telephone number is (571) 272-3842. The examiner can normally be reached from 6:30 am to 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Gregory A Morse can be reached on (571) 272-3838. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ellen Tran
Patent Examiner
Technology Center 2134
21 October 2005



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